

REMARKS

In the Office Action¹, the Examiner rejected claims 30, 32, 35 and 36 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,354,111 to Ota et al. ("Ota"); and rejected claims 33 and 34 under 35 U.S.C. § 103(a) as being unpatentable over Ota.

Applicant has amended claim 30, canceled claims 31 and 36, and added new claims 37-39. Claims 30, 32-35, and 37-39 remain pending.

Applicant respectfully traverses the rejection of claims 30, 32, 35, and 36 under 35 U.S.C. § 102(e) as being anticipated by Ota. In order to properly establish that Ota anticipates Applicants' claimed invention under 35 U.S.C. § 102, each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Claim 30 recites a master die to form a molding die including:

a master die base body; and
a master die face having a plurality of protrusions or a plurality of hollows so as to transfer the plurality of protrusions or the plurality of hollows from the master die face onto a die face of the molding die,
wherein the plurality of protrusions or the plurality of hollows formed on the die face of the molding die by the master die face are capable of forming a fine structure on the surface of the optical element, the fine

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

structure having the dimension of a scalar area, an equivalent refractive index area, or a resonance area.
(emphasis added). *Ota* does not disclose each and every element of Applicant's claimed invention.

Ota discloses a die for press forming glass elements. Ring shaped portions 14 are formed on the press surface 12 of die 10 (col. 5, lines 25-28 and Fig. 1A). Even assuming that die 12 contains "a plurality of protrusions or hollows" as asserted by the Examiner (Office Action at page 2), Applicant finds no teaching in *Ota* of both a "master die" and a "molding die," as required in claim 30. On the contrary, *Ota* appears to only disclose molding die, but does not disclose the claimed "master die."

In addition, *Ota* is silent regarding the dimension of the "fine structure." Therefore, *Ota* also does not teach or suggest the claimed combination of elements including, "wherein the plurality of protrusions or the plurality of hollows formed on the die face of the molding die by the master die face are capable of forming a fine structure on the surface of the optical element, the fine structure having the dimension of a scalar area, an equivalent refractive index area, or a resonance area," as further recited in claim 30.

Ota fails to teach at least these elements. Accordingly, *Ota* cannot anticipate claim 30. Thus, claim 30 is allowable for at least these reasons. Claims 32-35, and 37-39 are also allowable at least due to their depending from claim 30.

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Customer No. 22,852
Attorney Docket No. 02860.0707-02
Application No. 10/829,051

Please grant any extensions of time required to enter this paper and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: May 24, 2007

By: /David W. Hill/
David W. Hill
Reg. No. 28,220